



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Koichiro Hori et al.
Serial No.: 09/478,231
Filing Date: 01/03/00
Title: Endoscope With Position Display For Zoom Lens
Unit And Imaging Device
Group Art Unit: 3739
Examiner: J. Leubecker
Attorney's Docket No.: OKTA-6 RE

Assistant Commissioner For Patents
Washington, D.C. 20231

Sir:

DECLARATION UNDER 37 C.F.R. 1.178
RE ORIGINAL GRANT OF U.S. PATENT NO. 5,662,584

I, John Lyon, hereby declare and state as follows:

1. I am President and CEO of Vista Medical Technologies, Inc., the assignee and owner of the entire right, title and interest in and to U.S. Patent No. 5,662,584, issued September 2, 1997 on U.S. Application Serial No. 08/545,927, for "Endoscope With Position Display For Zoom Lens Unit And Imaging Device".

2. This is in response to the Official Action issued July 20, 2000 wherein the Examiner indicated that the above-identified reissue application will be allowed after return of the original grant of U.S. Patent No. 5,662,584.

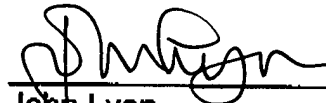
3. On information and belief, the original grant of U.S. Patent No. 5,662,584 was sent to Vista Medical Technologies, Inc., on December 16, 1997 by Mr. Nicholas A. Pandiscio, the attorney of record in said U.S. Application Serial No. 08/545,927.

4. We have conducted a search of the company files in an effort to locate the original copy of U.S. Patent No. 5,662,584. However, we have been unsuccessful in locating the original patent.

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5. On information and belief, Mr. Pandiscio has searched for the original grant in his own files, but without success.

6. I hereby declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of any patent issued on the above-identified reissue application.



John Lyon
President and CEO

Date: August 3, 2000

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